

# **EXHIBIT C**

---

**From:** Seth Carson <seth@dereksmithlaw.com>  
**Sent:** Wednesday, April 29, 2020 10:37 PM  
**To:** Walton, David  
**Cc:** Benson, Leigh Ann  
**Subject:** Re: Brady — depositions

**\*\*EXTERNAL SENDER\*\***

I am not threatening anything. I was extending a courtesy by letting you know when I plan to file a motion to compel, which will be in the morning. That was not my first email making you aware that Plaintiff is going to seek intervention of the court if discovery responses are not provided.

I need the dates for the depositions by tomorrow too. We can do Caitriona Brady's first, but I am going to request Judge Kearney's assistance in facilitating the scheduling of deps if we can't do it on our own. I have sent five or six emails letting you know who I would like to schedule and asking for dates. I need you to provide me with the dates.

I do not like protective orders. 95% of them are an unnecessary waste of time. What is your client's argument for good cause? Why hasn't your client produced documents which are not subject to the protective order? Obviously Plaintiff is not going to agree to a blanket protective order.

If you are going to make an offer on Caitriona Brady's case, please let me know.

Seth D. Carson, Esquire  
Derek Smith Law Group, PLLC  
1835 Market Street  
Suite 2950  
Philadelphia, PA 19103  
Phone: 215.391.4790  
Facsimile: 215.893.5288  
Direct: 484.678.2210  
Email: Seth@DerekSmithLaw.com

---

CONFIDENTIALITY NOTE: The information contained in this transmission is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, do not

read it. Please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

---

---

**From:** Walton, David <DWalton@cozen.com>  
**Sent:** Wednesday, April 29, 2020 9:25 PM  
**To:** Seth Carson <seth@dereksmithlaw.com>  
**Cc:** Benson, Leigh Ann <LBenson@cozen.com>  
**Subject:** Re: Brady — depositions

Seth

We have sent you several copies of a proposed confidentiality order. Leigh Ann will resend again.

Don't threaten a motion to compel against us at 6pm if we don't produce documents "today." That's absurd. We have been prepared for weeks to send you documents. We have sent you several copies of a proposed confidentiality order. We have told you that we will produce documents after we get a confidentiality order but you ignored us.

We were prepared to make an offer based on the assignment paradigm you initially proposed. Your other email said your boss did not like the assignment idea but you wanted to still explore it. You even asked us for documents. Plus, the email you quote below was from the night before the settlement conference. It was too late to comply change approaches.

I have not refused to provide you any dates. As we discussed by phone several times, we both agreed it would make sense to set Brady's depo first. You did not respond to my other emails seeking dates for her.

I have no idea what your taking about in the last paragraph. We have been oriented for weeks to produce documents. And we are prepared to set depo dates for the other witnesses.

Dave Walton  
Sent from my iPhone

On Apr 29, 2020, at 5:54 PM, Seth Carson <seth@dereksmithlaw.com> wrote:

**\*\*EXTERNAL SENDER\*\***

I have a Rule 16 Conference May 6 and 7. How about May 4 or 5 or 8?

I have not received a proposed confidentiality order. I also do not recall you asking about one. Refusing to produce documents because of this is not acceptable. I am going to have to file a motion to compel if I do not begin to receive documents today.

I don't know why you are suggesting that the reason the matter was not resolved at the settlement conference has anything to do with the assignment of any claim. I informed you by email and over the phone that was not an option for Caitriona Brady's case. Here is language from one of the emails I sent prior to the settlement conference:

"Accordingly, I think the assignment, while an interesting and creative solution, has a real chance of not working out - and we should not conduct the settlement conference tomorrow with any consideration of the assignment. Tomorrow needs to be about a settlement agreement that both parties can live with."

Dave, waiting for your client to make an offer out of courtesy. If your client does not make an offer, Plaintiff has instructed me to file a Rule 16(a).

Please let me know what dates we are going to schedule the depositions of Daniel Pipes, Mark Fink, Gregg Roman, Matthew Bennett, Steve Levy and Laurence Hollin. I can do May 4, 5, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22. As I said, I need three days so please choose three days. I have no unilaterally schedule the deps because I have tried, repeatedly to work with your schedule.

It appears I am going to have to request Court intervention by tomorrow because we are getting close to the end of fact discovery and your client has not produced a single piece of discovery and refuses to provide dates for depositions.

Seth D. Carson, Esquire  
Derek Smith Law Group, PLLC  
1835 Market Street  
Suite 2950  
Philadelphia, PA 19103  
Phone: 215.391.4790  
Facsimile: 215.893.5288  
Direct: 484.678.2210  
Email: Seth@DerekSmithLaw.com

---

CONFIDENTIALITY NOTE: The information contained in this transmission is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, do not read it. Please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

---

---

**From:** Benson, Leigh Ann <LBenson@cozen.com>

**Sent:** Wednesday, April 29, 2020 3:32 PM

**To:** Seth Carson <seth@dereksmithlaw.com>

**Cc:** Walton, David <DWalton@cozen.com>

**Subject:** RE: Brady — depositions

My apologies, Seth. I meant May 6th. Are you and Ms. Brady available on Wednesday, May 6?

Leigh Ann Benson

Associate | Cozen O'Connor

One Liberty Place, 1650 Market Street Suite 2800 | Philadelphia, PA 19103

P: 215-665-4708 F: 215-701-2002

Email | Bio | LinkedIn | Map | cozen.com

-----Original Message-----

From: Benson, Leigh Ann

Sent: Wednesday, April 29, 2020 3:25 PM

To: seth@dereksmithlaw.com

Cc: Walton, David <DWalton@cozen.com>

Subject: FW: Brady — depositions

Seth, can you please advise on availability for the depositions as requested below? Are you and Ms. Brady available Wednesday, April 6th?

Thanks,  
Leigh Ann

Leigh Ann Benson

Associate | Cozen O'Connor

One Liberty Place, 1650 Market Street Suite 2800 | Philadelphia, PA 19103

P: 215-665-4708 F: 215-701-2002

Email | Bio | LinkedIn | Map | cozen.com

-----Original Message-----

From: Walton, David <DWalton@cozen.com>

Sent: Thursday, April 23, 2020 1:15 PM

To: Seth Carson <seth@dereksmithlaw.com>

Cc: Benson, Leigh Ann <LBenson@cozen.com>

Subject: Brady — depositions

Seth

Hope you are still doing well.

Pleased let me know when Ms. Brady is available for her deposition. As per our prior subpoena, I

understand you are representing her fiancé for purposes of her deposition. Please let us know when he would be available as well.

And, if you are still representing Mr. Ebert, we need his availability as well.

Thanks.

Dave

Sent from my iPad

Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, an employee or agent of the intended recipient who is responsible for delivering it to the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.

***Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, an employee or agent of the intended recipient who is responsible for delivering it to the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.***